

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT CLARK SHANK.

Plaintiff,

V.

KILOLO KIJAKAZI, Commissioner of
Social Security,

Defendant.

CASE NUMBER: 1:20-cv-01644-GSA

**ORDER GRANTING PLAINTIFF AN
EXTENSION OF TIME TO FILE
OPENING BRIEF**

The parties stipulate to a 53-day extension of time for Plaintiff to file an opening brief due to counsel's surgery on October 27. This is the first extension sought in this matter.

The Scheduling Order allows for a single extension of thirty days by the stipulation of the parties. Doc. 13 at 3. Beyond the single extension by stipulation, “requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause.” *Id.*

When considering whether good cause exists to modify a scheduling order, courts consider the foreseeability of the impediment to meeting the deadline and the party's diligence in seeking the extension once it became apparent they could not meet the deadline. *See Sharp v. Covenant Care LLC*, 288 F.R.D. 465, 467 (S.D. Cal. 2012); *Ordaz Gonzalez v. Cty. of Fresno*, No. 1:18-CV-01558-BAM, 2020 WL 2539287, at *2 (E.D. Cal. May 19, 2020). The Court has the inherent power to manage its own docket to achieve an orderly and expeditious resolution of cases. *Southern California Edison Co. v. Lynch*, 307 F.3d 794 (9th Cir. 2002).

Counsel identified good cause for the extension.

Accordingly, it is **ORDERED** that Plaintiff's deadline to file an opening brief is extended to and including December 20, 2021. All other deadlines are adjusted accordingly.

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2 IT IS SO ORDERED.
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6 Dated: October 29, 2021
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10 /s/ Gary S. Austin
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12 UNITED STATES MAGISTRATE JUDGE
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